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10 Attorneys for the United States of America

11  
12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
14 WESTERN DIVISION

15 DONALD LEO MELLEIN,

16 Plaintiff,

17 v.

18 UNITED STATES OF AMERICA, et  
19 al.,

20 Defendants.

No. 2:23-cv-07970-RGK-MAR

**STIPULATION TO SET BRIEFING  
SCHEDULE ON MOTIONS TO  
DISMISS**

Honorable R. Gary Klausner  
United States District Judge

21  
22 Counsel for plaintiff Donald Leo Mellein (“Plaintiff”) and defendants United  
23 States of America (“United States”) and Lynne Zellhart (the United States and Lynne  
24 Zellhart are hereinafter collectively referred to as the “Defendants”) hereby enter into the  
25 following stipulation to set the briefing schedule on Defendants’ anticipated motions to  
26 dismiss. The stipulation is based on the following:  
27  
28

1           1.     Plaintiff served his Complaint on defendant United States on October 16,  
2 2023 and on defendant Lynne Zellhart on October 17, 2023.

3           2.     The parties previously stipulated that Defendants shall have an additional  
4 thirty (30) days to respond to the Complaint such that Defendants' deadline to respond to  
5 the Complaint shall be January 16, 2024.

6           3.     The parties hereby stipulate to a consolidated briefing schedule to enable  
7 Defendants' anticipated motions to dismiss to be heard on the same schedule.

8           ACCORDINGLY, Plaintiffs and Defendants HEREBY STIPULATE THAT

9           (1) The United States and Zellhart's anticipated motions to dismiss shall be briefed  
10 and heard on the following schedule, subject to Court approval:

11           a.    Motion Filing Deadline: January 16, 2024

12           b.    Plaintiffs' Opposition Deadline: February 6, 2024

13           c.    Reply Deadline: February 16, 2024

14           d.    Hearing: March 4, 2024 at 9:00 a.m.

15  
16 Dated: December 13, 2023

Respectfully submitted,

17 INSTITUTE FOR JUSTICE

18 Joseph Gay\*

Robert Frommer\*

19 Robert E. Johnson\*

20 THE VORA LAW FIRM, P.C.

Lou Egerton-Wiley

21 Nilay U. Vora

Jeffrey Atteberry

22 /s/ Joseph Gay

23 JOSEPH GAY

24 Counsel for Plaintiff

\* Admitted *pro hac vice*

1 Dated: December 13, 2023

E. MARTIN ESTRADA  
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6 /s/ Jasmin Yang

JASMIN YANG

Assistant United States Attorney

Attorneys for the United States of America and  
Lynne Zellhart

11 ATTESTATION UNDER LOCAL RULE 5-4.3.4

12 I, Jasmin Yang, am the ECF User whose ID and password are being used to file  
13 this STIPULATION TO SET BRIEFING SCHEDULE ON MOTIONS TO DISMISS.  
14 In compliance with Local Rule 5-4.3.4(a)(2), I hereby certify and attest that Plaintiff's  
counsel, Joseph Gay, has concurred in this filing.

15 DATED: December 13, 2023

/s/ Jasmin Yang

16 JASMIN YANG

Assistant United States Attorney